

David C. Castleberry, Utah Bar No. 11531  
OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.  
2150 South 1300 East, Suite 500  
Salt Lake City, Utah 84106  
Telephone: 801.658.6166  
Facsimile: 385.360.1707  
[david.castleberry@ogletree.com](mailto:david.castleberry@ogletree.com)

*Attorneys for R. Wayne Klein, Conflicts Receiver*

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

COMMODITY FUTURES TRADING  
COMMISSION, and STATE OF UTAH  
DIVISION OF SECURITIES, through  
Attorney General Sean D. Reyes,

Plaintiffs,

vs.

RUST RARE COIN, INC., a Utah  
corporation and GAYLEN DEAN RUST, an  
individual, DENISE GUNDERSON RUST,  
an individual, JOSHUA DANIEL RUST, an  
individual,

Defendants.

and

ALEESHA RUST FRANKLIN, an  
individual, R LEGACY RACING, INC., a  
Utah corporation, R LEGACY  
ENTERTAINMENT, LLC, a Utah limited  
liability company, and R LEGACY  
INVESTMENTS, LLC, a Utah limited  
liability company,

Relief Defendants.

**R. WAYNE KLEIN, CONFLICTS  
RECEIVER'S NON-OPPOSITION TO  
MOTION TO INTERVENE**

Civil No. 2:18-CV-00892-TC  
Judge Tena Campbell

R. Wayne Klein, the court-appointed Conflicts Receiver, does not oppose the Motion to Intervene and Memorandum in Support filed by Movant Leland S Jacobson Trust on March 23, 2023 (Doc No. 496).

DATED this 30th day of March, 2023.

OGLETREE DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ *David C. Castleberry*

David C. Castleberry  
Attorneys for R. Wayne Klein, Conflicts Receiver

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 30th day of March, 2023, I served the foregoing **R. WAYNE KLEIN, CONFLICTS RECEIVER'S NON-OPPOSITION TO MOTION TO INTERVENE** on the persons identified below as indicated:

Thomas L. Simek	<input type="checkbox"/>	U.S. Mail – Postage Prepaid
Commodity Futures Trading Commission	<input type="checkbox"/>	Hand Delivery
4900 Main Street, Suite 500	<input checked="" type="checkbox"/>	Electronic Filing
Kansas City, MO 64112	<input type="checkbox"/>	Email
<a href="mailto:tsimek@cftc.gov">tsimek@cftc.gov</a>		

*Attorneys for Plaintiff Commodity Futures  
Trading Commission*

Monique McElwee	<input type="checkbox"/>	U.S. Mail – Postage Prepaid
US Commodity Futures Trading	<input type="checkbox"/>	Hand Delivery
Commission	<input checked="" type="checkbox"/>	Electronic Filing
2600 Grand Blvd, Suite 210	<input type="checkbox"/>	Email
Kansas City, MO 64108		
<a href="mailto:mmcelwee@cftc.gov">mmcelwee@cftc.gov</a>		

*Attorneys for Plaintiff Commodity Futures  
Trading Commission*

Thomas M. Melton	<input type="checkbox"/>	U.S. Mail – Postage Prepaid
Robert G. Wing	<input type="checkbox"/>	Hand Delivery
PARR BROWN GEE & LOVELESS, P.C.	<input checked="" type="checkbox"/>	Electronic Filing
101 South 200 East, Suite 700	<input type="checkbox"/>	Email
Salt Lake City, UT 84111		
<a href="mailto:tmelton@parrbrown.com">tmelton@parrbrown.com</a>		
<a href="mailto:rwing@parrbrown.com">rwing@parrbrown.com</a>		

*Attorneys for Plaintiff State of Utah Division  
Securities through Attorney General, Sean  
D. Reyes*

Jennifer R. Korb	<input type="checkbox"/>	U.S. Mail – Postage Prepaid
Paula Woodland Faerber	<input type="checkbox"/>	Hand Delivery
Utah Attorney General's Office	<input checked="" type="checkbox"/>	Electronic Filing
160 East 300 South, Fifth Floor	<input type="checkbox"/>	Email
Salt Lake City, UT 84114		
<a href="mailto:jkorb@agutah.gov">jkorb@agutah.gov</a>		
<a href="mailto:pfaerber@agutah.gov">pfaerber@agutah.gov</a>		

*Attorneys for Plaintiff State of Utah Division  
of Securities through Attorney General, Sean  
D. Reyes*

Gaylen Dean Rust 26796-081 Yazoo Medium Inmate Mail/Parcels PO Box 5000 Yazoo City, MS 39194 <i>Defendant Pro Se</i>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	U.S. Mail – Postage Prepaid Hand Delivery Electronic Filing Email
Tara L. Isaacson BUGDEN & ISAACSON LLC 445 East 200 South, Suite 150 Salt Lake City, UT 84111 <a href="mailto:tara@bilaw.net">tara@bilaw.net</a> <i>Attorney for Relief Defendant and an individual, Denise Gunderson Rust</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	U.S. Mail – Postage Prepaid Hand Delivery Electronic Filing Email
Andrew G. Deiss Corey Drew Riley DEISS LAW PC 10 West 100 South, Suite 700 Salt Lake City, UT 84101 <a href="mailto:deiss@deisslaw.com">deiss@deisslaw.com</a> <a href="mailto:criley@deisslaw.com">criley@deisslaw.com</a> <i>Attorneys for Relief Defendant and an individual, Joshua Daniel Rust</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	U.S. Mail – Postage Prepaid Hand Delivery Electronic Filing Email
Sean N. Egan SEAN N. EGAN ATTORNEY AT LAW 215 S. State Street, Suite 775 Salt Lake City, UT 84111 <a href="mailto:seannegan@sneganlaw.com">seannegan@sneganlaw.com</a> <i>Attorneys for Relief Defendant and an individual, Aleesha Rust Franklin</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	U.S. Mail – Postage Prepaid Hand Delivery Electronic Filing Email
Karra J. Porter (5223) Todd D. Weiler (7671) CHRISTENSEN & JENSEN, P.C. 257 East 200 South, Suite 1100 Salt Lake City, Utah 84111 <a href="mailto:karra.porter@chrisjen.com">karra.porter@chrisjen.com</a> <a href="mailto:todd.weiler@chrisjen.com">todd.weiler@chrisjen.com</a> <i>Attorneys for Movant Leland S. Jacobson Trust</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	U.S. Mail – Postage Prepaid Hand Delivery Electronic Filing Email

Troy J. Aramburu  U.S. Mail – Postage Prepaid  
SNELL & WILMER LLP  Hand Delivery  
111 S. Main Street, Suite 600  Electronic Filing  
Salt Lake City, UT 84101  Email  
[taramburu@swlaw.com](mailto:taramburu@swlaw.com)

*Attorneys for Objector Keystone Real Estate  
Lending Fund, LP*

Thomas W. Seiler  U.S. Mail – Postage Prepaid  
Seiler Anderson Fife & Marshall, LC  Hand Delivery  
2500 North University Ave.  Electronic Filing  
Provo, Utah 84604  Email  
[tws@safmlaw.com](mailto:tws@safmlaw.com)

*Attorneys for*

Steven T. Waterman (4164)  U.S. Mail – Postage Prepaid  
DORSEY & WHITNEY LLP  Hand Delivery  
111 South Main Street, 21st Floor  Electronic Filing  
Salt Lake City, UT 84111-2176  Email  
Telephone: (801) 933-7365  
Facsimile: (801) 933-7373

[waterman.steven@dorsey.com](mailto:waterman.steven@dorsey.com)

*Attorneys for Non-Party Zions  
Bancorporation, N.A.*

Joseph M.R. Covey  U.S. Mail – Postage Prepaid  
Jeffery A. Balls  Hand Delivery  
Clair McGuire  Electronic Filing  
PARR BROWN GEE & LOVELESS, P.C.  Email  
101 South 200 East, Suite 700  
Salt Lake City, UT 84111

[jcovvey@parrbrown.com](mailto:jcovvey@parrbrown.com)

[jballs@parrbrown.com](mailto:jballs@parrbrown.com)

[cmcguire@parrbrown.com](mailto:cmcguire@parrbrown.com)

*Attorneys for Receiver Jonathan O. Hafen*

Cynthia D. Love  
KIRKLAND & ELLIS  
60 E. South Temple, Seventh Floor  
Salt Lake City, UT 84111

[clove@parrbrown.com](mailto:clove@parrbrown.com)

*Attorneys for Receiver Jonathan O. Hafen*

U.S. Mail – Postage Prepaid  
 Hand Delivery  
 Electronic Filing  
 Email

/s/ David C. Castleberry

55747294.v1-OGLETREE